

1 RONALD RUS, #67369  
rrus@rusmiliband.com  
2 LEO J. PRESIADO, #166721  
lpresiado@rusmiliband.com  
3 RUS, MILIBAND & SMITH  
A Professional Corporation  
4 Seventh Floor  
2211 Michelson Drive  
5 Irvine, California 92612  
Telephone: (949) 752-7100  
6 Facsimile: (949) 252-1514

7 Attorneys for Defendants  
8 THUNDERWOOD HOLDINGS, INC.,  
BRIAN DUNNING, and BRIANDUNNING.COM  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 EBAY INC., )

14 Plaintiff, )

15 vs. )

16 DIGITAL POINT SOLUTIONS, INC.; )  
17 SHAWN HOGAN; KESSLER's FLYING )  
CIRCUS; THUNDERWOOD HOLDINGS, )  
18 INC.; TODD DUNNING; DUNNING )  
ENTERPRISES, INC.; BRIAN DUNNING; )  
19 BRIANDUNNING.COM; and DOES 1-20, )

20 Defendants. )  
21

CASE NO. CV 08-4052 JF (PVT)

**STIPULATION TO EXTEND TIME  
FOR DEFENDANTS TO RESPOND TO  
SECOND AMENDED COMPLAINT;  
ORDER THEREON**

Honorable Jeremy Fogel, Judge presiding

22 TO THE HONORABLE JEREMY FOGEL, JUDGE OF THE UNITED STATES DISTRICT  
23 COURT:

24 The parties to this action, by and through their attorneys of record, hereby agree  
25 and stipulate based on the following recitals:

26 ///

27 ///

28 ///

**RECITALS**

A. Plaintiff EBAY INC. commenced this action on August 25, 2008.

B. Plaintiff filed its First Amended Complaint on October 7, 2008 ("FAC").

C. All Defendants to the action filed Motions to Dismiss the FAC.

Defendants' Motions were heard on December 12, 2008.

D. On February 24, 2009 Defendants' Motions to Dismiss the FAC were granted with leave to amend and/or granted in part with leave to amend, such that Plaintiff was given 30 days to file a second amended complaint.

E. Plaintiff filed its Second Amended Complaint on March 26, 2009 ("SAC").

F. Defendants contend that they require more than the statutory 10-day period to respond to the SAC.

G. The parties agree that Defendants shall have 30 days to respond to the SAC such that Defendants' responses to the SAC shall be filed and served on or before April 27, 2009.

**WHEREFORE**, the Parties agree as follows:

1. Defendants shall have until April 27, 2009 to file and serve a response to the SAC.

2. Defendants shall coordinate so that to the extent more than one Defendant files a motion in response to the SAC, such motions shall be set for hearing on the same date.

3. The Stipulation may be executed in one or more counterparts.

DATED: April 6, 2009

O'MELVENY & MYERS

By: David R. Eberhart

David R. Eberhart

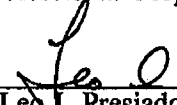
Sharon M. Bunzel

Colleen M. Kennedy

Attorneys for Plaintiff eBay, Inc.

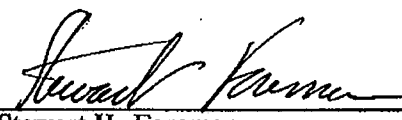
1 DATED: April 3, 2009

RUS, MILIBAND & SMITH  
A Professional Corporation

2  
3 By:   
4 Leo J. Presiado  
5 Attorneys for Defendants  
6 Thunderwood Holdings, Inc., Brian Dunning  
7 and BrianDunning.com

8  
9 DATED: April 3, 2009

FREELAND, COOPER & FOREMAN, LLP

10 By:   
11 Stewart H. Foreman  
12 Daniel Bernhard  
13 Attorneys for Defendants Todd Dunning  
14 and Dunning Enterprises, Inc.

15  
16 DATED: April \_\_, 2009

COAST LAW GROUP, LLP

17 By: \_\_\_\_\_  
18 Seyamack Kouretchian  
19 Ross Campbell  
20 Attorneys for Digital Point Solutions, Inc.  
21 and Shawn Hogan

22  
23 DATED: April \_\_, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

24 By: \_\_\_\_\_  
25 Patrick K. McClellan  
26 Attorney for Kessler's Flying Circus

27 IT IS SO ORDERED.

28 DATED: 4/9/09

  
HONORABLE JEREMY FOGEL  
JUDGE OF THE UNITED STATES DISTRICT COURT

1 DATED: April 3, 2009

RUS, MILIBAND & SMITH  
A Professional Corporation

2  
3 By: Leo J. Presiado  
4 Attorneys for Defendants  
5 Thunderwood Holdings, Inc., Brian Dunning  
6 and BrianDunning.com

7 DATED: April \_\_, 2009

FREELAND, COOPER & FOREMAN, LLP

8  
9 By: Stewart H. Foreman  
10 Daniel Bernhard  
11 Attorneys for Defendants Todd Dunning  
12 and Dunning Enterprises, Inc.

13 DATED: April 5, 2009

COAST LAW GROUP, LLP

14  
15 By: Sevanack Kouretchian  
16 Ross Campbell  
17 Attorneys for Digital Point Solutions, Inc.  
18 and Shawn Hogan

19 DATED: April \_\_, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

20  
21 By: Patrick K. McClellan  
22 Attorney for Kessler's Flying Circus

23  
24 IT IS SO ORDERED.

25  
26 DATED:

HONORABLE JEREMY FOGEL  
JUDGE OF THE UNITED STATES DISTRICT COURT

1 DATED: April 3, 2009

RUS, MILIBAND & SMITH  
A Professional Corporation

2  
3 By: Leo J. Presiado  
4 Attorneys for Defendants  
5 Thunderwood Holdings, Inc., Brian Dunning  
6 and BrianDunning.com

7 DATED: April \_\_, 2009

FREELAND, COOPER & FOREMAN, LLP

8  
9 By: \_\_\_\_\_  
10 Stewart H. Foreman  
11 Daniel Bernhard  
12 Attorneys for Defendants Todd Dunning  
and Dunning Enterprises, Inc.

13 DATED: April \_\_, 2009

COAST LAW GROUP, LLP

14  
15 By: \_\_\_\_\_  
16 Seyamack Kouretchian  
17 Ross Campbell  
18 Attorneys for Digital Point Solutions, Inc.  
and Shawn Hogan

19 DATED: April 3, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

20  
21 By: Patrick K. McClellan  
22 Patrick K. McClellan  
23 Attorney for Kessler's Flying Circus

24 IT IS SO ORDERED.

25  
26 DATED:

27 HONORABLE JEREMY FOGEL  
28 JUDGE OF THE UNITED STATES DISTRICT COURT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing:

**STIPULATION TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO SECOND AMENDED COMPLAINT; ORDER THEREON** was filed with the Court's Electronic Filing System on April 6, 2009 and may be accessed electronically.

s/ Leo J. Presiado  
Leo J. Presiado  
Rus, Miliband & Smith, APC  
2211 Michelson Drive, Seventh Floor  
Irvine, California 92612  
Tel: (949) 752-7100  
Fax: (949) 252-1514  
Email: [lpresiado@rusmiliband.com](mailto:lpresiado@rusmiliband.com)  
Attorneys for Defendants Thunderwood Holdings, Inc., Brian Dunning and [Briandunning.com](http://Briandunning.com)